

Amendment under 37 C.F.R. §1.111

Attorney Docket No. 010493

Serial No. 09/875,184

REMARKS

Claims 1 - 4 are pending in the present application. By this Amendment, claims 1, 2 and 4 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated August 10, 2004.

Examiner Interview:

The courtesy extended by Examiner Gordon to Applicants' representative during the November 9, 2004 personal interview is gratefully appreciated. The substance of the interview is incorporated into the following remarks.

Allowable Subject Matter:

Applicants gratefully acknowledge the indication given during the November 9, 2004 personal interview that the Examiner agreed to withdraw the rejection of claim 3 based on Shultz in view of Applicants' argument that the tank 50 of Shultz fails to include two ports. As such, it is respectfully submitted that claim 3 is allowable over the prior art of record.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejections:

- 1) claim 1 stands rejected under 35 USC 102(e) as being anticipated by Tyberg, et al. (U.S. Patent No. 6,270,726);

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2) claim 2 stands rejected under 35 USC 102(b) as being anticipated by Yu (U.S. Patent No. 5,779,907);

3) claim 2 stands rejected under 35 USC 102(b) as being anticipated by Wilks (U.S. Patent No. 5,578,495);

4) claims 3 stands rejected under 35 USC 103(a) as being unpatentable over Schultz et al. (U.S. Patent No. 6,033,911); in view of Ade et al. (U.S. Patent No. 5,853,665);

5) claims 1-4 stand rejected under 35 USC 103 (a) as being unpatentable over Schultz et al. in view of Ade et al. as applied to claim 3 above, and further in view of Tyberg and Yu; and

6) claims 1-4 stand rejected under 35 USC 103(a) as being unpatentable over Schultz et al. as applied to claim 3 above, and further in view of Tyberg and Yu.

Each of these rejections is respectfully traversed.

Claims 1 and 4:

Claims 1 and 4 have each been amended to call for *suction nozzle moving means including urging means for urging the suction nozzle toward the vessel and a guide, located beneath the urging means, for slidably supporting the suction nozzle.*

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For example, and as shown in Figs. 5A to 5C and Figs. 6A to 6C of the present application (and discussed on the bottom of page 13), a guide 3c for slidably supporting the suction nozzle 2 is located beneath an urging means, a spring 3a or a weight 3d, respectively.

In contrast, Tyberg clearly fails to disclose in Figs. 3A to 3C a guide located beneath the spring 38 for slidably supporting the suction nozzle 34. More specifically, it is respectfully submitted that Tyberg fails to disclose or fairly suggest the features of claims 1 and 4, as amended, concerning *suction nozzle moving means including urging means for urging the suction nozzle toward the vessel and a guide, located beneath the urging means, for slidably supporting the suction nozzle.*

Claim 2:

Claim 2, as amended, now calls for *magnet moving means for supporting the magnet so as to be movable toward and away from the vessel, said magnet moving means including two support plates with a spring interposed there between.*

For example, as shown in Figs. 4A to 4C, the magnetic particle holding means 4 includes a first support plate 4a and a second support plate 4e with a spring 4c interposed between these plates 4a and 4e.

The applied references of Yu and Wilks each clearly fail to disclose a magnet moving means including two support plates with a spring interposed there between, as now called for in

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claim 2. That is, the elevator mechanism 55 of Yu does not include two support plates with a spring interposed there between. Similarly, the elevator assembly 220 of Wilks also does not include two support plates with a spring interposed there between.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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